



**DEPARTMENT OF THE ARMY**  
**SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS**  
**1455 MARKET STREET**  
**SAN FRANCISCO, CALIFORNIA 94103-1399**

REPLY TO

June 24, 2011

Mr. Phil Isenberg  
Chair, Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

Dear Chairman Isenberg;

The Delta Stewardship Council has invited comments on the Fourth Staff Draft Delta Plan, dated June 13, 2011. Thank you for your request and ongoing communications. This letter provides U.S. Army Corps of Engineers (USACE) comments on the Fourth Staff Draft Delta Plan.

As I mentioned in April, the missions of USACE include Flood Risk Management, Ecosystem Restoration, Navigation, Environmental Protection, Recreation, and Emergency Preparedness and Response. The Staff Draft Delta Plan addresses elements in each of these mission areas. Our programs in, or affecting, the Delta include Planning, Operation and Maintenance, and Regulatory. USACE and our non-Federal partners have many active studies and projects throughout the Delta, the Central Valley and the State.

Further, USACE is responsible for flood management operations for dams and reservoirs throughout the system, including coordinating and managing channel flows and releases from 31 USACE facilities and 20 Section 7 dams in the State. USACE also has regulatory jurisdiction, primarily under the following three authorities: (1) Section 404 of the Clean Water Act (33 USC 1201 et seq.) (Section 404); (2) Section 10 of the Rivers and Harbors Act for working in navigable waters (33 USC 403) (Section 10); and (3) Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) for the alternation of a Federal project (to include sea wall, jetty, dike, levee, wharf, pier, or other work) (Section 408).

Thank you for the opportunity to review and comment on the Fourth Staff Draft Delta Plan. The comments are listed in the attachment.

Sincerely,

Paul J Robershotte  
Special Advisor to the Commander

ATTENTION OF

24 June 2011

**USACE Comments on 4<sup>th</sup> Staff Draft Delta Plan**

<b>Page number/Lines/Title</b>	<b>Comment</b>
Page 90; lines 32-47	<p>Both the Corps' Engineer Research and Design Center (ERDC) and the Department of Water Resources (DWR) are conducting studies on the impact of vegetation on levee integrity. Both studies are still in progress.</p> <p>DWR, with DFG, may wish to submit a request for a regional vegetation variance for consideration by the Corps.</p>
Page 94; lines 1-4; ER R5	<p>Suggest revising text to state something along the lines of:</p> <p>“In support of the coequal goals, the California Department of Fish and Game and the California Department of Water Resources should continue to work with the U.S. Army Corps of Engineers in an effort to identify alternative solutions from the Corps' levee vegetation policy for Delta levees.”</p>
Page 136; RR P1	<p>RR P1 states that floodways shall not be encroached upon without mitigating for future flood flows. An exemption is made for ecosystem restoration projects. Ecosystem restoration projects can affect channel capacity and velocities among other factors adversely impacting flood protection and should not be given exemption.</p>
Page 141; Table 7-1	<p>The Corps will soon formally release the Levee Safety Action Classification System (LSAC). Also, for clarification, Projects should be operated in accordance with the project O&amp;M manual, which is based on the authorized project design. While PL 84-99 is a design standard, it may or may not be the same as the authorized design.</p>
Chapter 7	<p>Recommend including a section on “non-structural” measures. The draft Plan touches on this in land use and emergency preparedness. Some discussion of reducing or removing people and property from the flood threat could tie flood risk management and ecosystem restoration together.</p>
Page 133	<p>Metrics used in the document are not consistent. For example, “square miles” is used in line 6 and “acres” is used in line 12.</p>
Page 133; line 11	<p>Note that Delta levees are a mix of Federal and non-Federal</p>

<b>Page number/Lines/Title</b>	<b>Comment</b>
	levees.
Page 133; line 32	Recommend "Flood RISK Management Investment"
Page 134; lines 27-30	Recommend including "risk analysis" in this paragraph.
Page 135; line 8	Recommend stating that this section will include actions outside of the Delta.

USACE Comments 6-24-11